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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,823	10/29/2003	Shinichiro Fukuoka	N0520.0047/P047	6755
24998	7590	11/04/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			SHIMIZU, MATSUICHIRO	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2635	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,823

Applicant(s)

FUKUOKA, SHINICHIRO

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/30/04, 8/1/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: English Translation of JP2001-199511-A.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4-6, 8-9 and 11-13,15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda et al. (JP2001199511).

Regarding claims 1, 8-9 and 13, Ikeda teaches a non-contact electronic tag 11 attached to library book 12 (Fig. 1, par. 024), wherein tag 11 stores tag ID (par. 0029) and inhibit or permission code (par. 0032, 'o' or '1') to pass the security gate (par. 0038). Furthermore, Ikeda teaches tag reader reads tag memory, and verify the checked-out book and flag at the host computer 14 and open the gate 21f (Fig. 7, par. 0038).

Regarding claims 4-6, Ikeda teaches the passage radio communication unit executes the tag access processing (Fig. 7, par. 0038, security gate 21f) and article-unique data (par. 0029), inhibition of passage (Fig. 7, par. 0038, inhibition associated with security gate 21f), passage radio communication unit (Fig. 7, pars. 0037-0038, read device 21c and control 13).

Regarding claims 11 and 15, Ikeda teaches the article management method as claimed in claim 9, wherein the tag access processing is executed for the noncontact electronic tag attached to the article whose passage is inhibited (fig. 7, par. 0038, security gate 21f).

Regarding claims 12 and 16, Ikeda teaches a user radio electronic medium capable of

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identifying each user and storing user data to receive the user data from the user radio electronic medium (fig. 7, par. 0038, security gate 21f communicating with host computer 14 permit or inhibit the user from exiting).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda in view of Reis et al. (5,973,613).

Regarding claims 2, 7, 10 and 14 Ikeda is silent on a plurality of noncontact electronic tags and receiving a response signal, determining a response timing for causing the noncontact electronic tag to transmit response data and transmitting specification data specifying the part of the predetermined data; and repetitive processing of changing a specification position in the specification data and again executing the interrogation communication processing when one piece of response

data transmitted from a plurality of noncontact electronic tags at the same response timing and received by the passage radio communication unit collides with another and reliably circumventing a collision.

However, Reis teaches, in the art of tag management system, collision avoidance scheme (col. 9, lines 31–49) or collision mitigation scheme wherein a plurality of noncontact electronic tags or pager device or noncontact electronic tags (fig. 3, two-way pager devices 8) transmits response signals at a random time period or response timing from repetitive timing mark (col. 9, lines 31–49, interrogator processor transmits periodic timing mark) or repetitively reducing collection duration (col. 21, lines 7–26, repeatedly reducing the duration) for the purpose of reducing collision response at the interrogator.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include collision avoidance scheme or collision mitigation scheme wherein a plurality of noncontact electronic tags or pager device transmits response signals at a random time period or response timing from repetitive timing mark sent from the interrogator or repetitively reducing collection duration by interrogator in the device of Ikeda because Ikeda suggests detector receiving the reflected component and Reis teaches collision avoidance scheme or collision mitigation scheme wherein a plurality of noncontact electronic tags or pager device transmits response signals at a random time period or response timing from repetitive timing mark sent from the interrogator or repetitively reducing collection duration by interrogator for the purpose of reducing collision response at the interrogator.

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Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior arts fail to teach or fairly suggest a limitation condition is set for terminating repetition of the repetitive processing regardless of whether or not collision avoidance is accomplished.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
October 24, 2005



MICHAEL HORABIK
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